

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

CHAPTER 111

Subchapter 2

Trailer Courts and Tourist Campgrounds

37.111.201 DEFINITIONS Terms defined in 50-52-101, MCA, supplement those defined herein. The following definitions apply when used in this subchapter unless the context clearly indicates otherwise:

(1) "Act" means the campgrounds and trailer courts act, found in Title 50, chapter 52, Montana Code Annotated.

(2) "Alter" means to change the purpose or use of an existing trailer court or campground by the public.

(3) "Applicant" means the person whose signature appears on the license application or plan submittal.

(4) "Approved" means authorized in writing by the department.

(5) "Building authority" means the building codes bureau, department of labor and industry, or its local authorized agent.

(6) "Cabin" means a hard-sided structure occupying a campsite that is set on a permanent foundation and may have:

(a) plumbing, including running potable water or a toilet; and

(b) linens or daily housekeeping service.

(7) "Camping trailer" means a vehicular portable unit mounted on wheels and designed for travel, recreation, and vacation, and constructed with collapsing partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

(8) "Campsite" means that part of a campground where a cabin is located or that is designated for a tent space or trailer space.

(9) "Contamination" means impairment or other alteration of the physical, chemical, or biological properties of water, including causing violation of the surface water quality standards contained in ARM Title 17, chapter 38, subchapter 6 or the maximum contaminant levels for public water supplies contained in ARM Title 17, chapter 38, subchapter 2 or otherwise creating a hazard to human health.

(10) "Dependent recreational vehicle" means a recreational vehicle that lacks one or more of the following: toilet, lavatory, or waste water tank.

(11) "Enlarge" means to add trailer spaces or campsites onto an existing trailer court or campground.

(12) "Fifth wheel trailer" means a vehicular unit that is:

(a) mounted on wheels;

(b) designed to provide temporary living quarters for recreational, camping, or travel use;

(c) of such size or weight that it does not require a special highway movement permit;

(d) of gross trailer area not to exceed 400 square feet (37.2m²) in the set-up mode; and
(e) designed to be towed by a motorized vehicle that has a towing mechanism mounted above or forward of the tow vehicle's rear axle.

(13) "General services campground" means a campground used for public camping that provides on-site water supply, sewage disposal, solid waste disposal, and other services such as laundry or groceries.

(14) "Independent recreational vehicle" means a recreational vehicle that has a toilet, lavatory, bathing facilities, and waste holding tank. Omission of one or more of these facilities will classify the recreational vehicle as a dependent recreational vehicle.

(15) "Lateral" means that portion of the water system or sewerage system that extends horizontally from the water or sewer main to the water or sewer riser pipe.

(16) "License" means a written permit issued by the department authorizing a person to operate a campground or trailer court under the provisions of this subchapter.

(17) "Limited services campground" means a campground used for public camping that is accessible by a motorized vehicle and provides the following services only:

(i) an adequate and potable water supply, if required and as determined under ARM 37.111.206.

(ii) adequate sewage disposal, as determined under ARM 37.111.207; and

(iii) adequate solid waste disposal, as determined under ARM 37.111.217.

(18) "Local health authority" means the local health officer, local sanitarian, or other authorized representative of the local government having jurisdiction.

(19) "Manufactured home" includes a mobile home as referred to in 50-52-101(7), MCA, and means a structure in one or more sections that:

(a) is 8 body feet or more in width or 40 body feet or more in length in the traveling mode;

(b) when erected on-site, is 320 or more square feet in size;

(c) is built on a permanent chassis; and

(d) is designed to be used as a dwelling for human occupancy or use upon connection to required utilities, including plumbing, heating, and electrical systems.

(20) "Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use that is built on or attached to a self-propelled motor vehicle chassis or to a chassis cab or van.

(21) "Park trailer" means a recreational vehicle that:

(a) is built on a single chassis mounted on wheels;

(b) has a gross trailer area that does not exceed 400 square feet in the set-up mode; and

(c) is certified by the manufacturer as complying with American national standards institute (ANSI) A119.5 standards.

(22) "Plan submittal" means the information and fees required under ARM 37.111.205.

(23) "Potable water" means water that is safe for human consumption in terms of bacteriological and chemical quality, as determined by the department using public drinking water standards set forth in ARM Title 17, chapter 38, subchapter 2.

(24) "Primitive campground" means a campground that is used for backcountry camping and does not have any services.

- (25) "Public" means individuals in general without restriction or selection.
- (26) "Public sewage system" means a public sewage system as defined in 75-6-102, MCA.
- (27) "Public water supply system" means a public water supply system as defined in 75-6-102, MCA.
- (28) "Recreational vehicle" or "RV" means a vehicular unit designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and that either has its own power or is mounted on, or towed by, another vehicle. The basic types of RVs are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper.
- (29) "Sanitary station" means a facility designed for accepting wastes from holding tanks on recreational vehicles.
- (30) "Service building" means a structure housing shower or bath, toilet, lavatory, or other facilities required by this subchapter.
- (31) "Sewer connection" means the connections consisting of all pipes, fittings, and appurtenances from the drain outlet of the trailer to the inlet of the corresponding sewer riser pipe of the sewage system serving the campground or trailer court.
- (32) "Sewer riser" means that portion of the sewer lateral which extends vertically above the ground elevation and terminates at each trailer space.
- (33) "State waters" means state waters as defined in 75-5-103, MCA.
- (34) "Stop-and-waste valve" means any unit that permits the outlet valve to be drained through a port or drain hole provided in the valve.
- (35) "Tent" means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.
- (36) "Tent space" means that part of a campground designated for the placement of a single tent and the exclusive use of its occupants. A tent space does not include a pitched tent on a designated trailer space that is used for sleeping purposes by persons who have rented the trailer space.
- (37) "Trailer" means a trailer as referred to in 50-52-101(7), MCA. Trailers include, but are not limited to, manufactured homes and recreational vehicles. A trailer may be either dependent or independent, depending upon its features.
- (38) "Trailer space" means that part of a campground or trailer court designated for the placement of a single trailer and the exclusive use of its occupants.
- (39) "Travel trailer" means a vehicular unit, mounted on wheels, that:
- (a) is designed to provide temporary living quarters for recreational, camping, or travel use;
 - (b) has a size and weight that does not require a special highway movement permit when towed by a motorized vehicle; and
 - (c) has a gross trailer area of less than 320 square feet (29.7m²).
- (40) "Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, and designed to be loaded onto and unloaded from the bed of a pickup truck.
- (41) "Water connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the trailer.
- (42) "Water riser" means that portion of the water lateral which extends vertically above

the ground elevation and terminates at a designated point at each trailer space or water station.

(43) "Water station" means a facility for supplying potable water to the water storage tanks of trailers or other potable water containers. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1098, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.202 INCORPORATION BY REFERENCE (1) For purposes of this subchapter, the department hereby adopts and incorporates by reference the provisions of ARM Title 17, chapter 30, subchapter 6 and Title 17, chapter 38, subchapter 2, containing, respectively, public water supply maximum contaminant levels and surface water quality standards; and ARM 37.111.205, setting requirements for layout plan review. Copies of ARM Title 17, chapter 30, subchapter 6 and Title 17, chapter 38, subchapter 2, and 37.111.205 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.205 LAYOUT PLAN REVIEW (1) A person proposing to construct, alter, or enlarge a general services campground, limited services campground, or trailer court must submit scaled layout plans and specifications of the proposal to the department and the local health authority. Facilities proposed in the plans and specifications must meet the requirements of this rule, ARM 37.111.206 and 37.111.207. Department approval of the plans and specifications must be obtained prior to constructing a campground or trailer court or altering or enlarging an existing campground or trailer court.

(a) If the proposal includes a service building, cabin, cooking shelter, or other structure that will be available for public use, plans and specifications for these facilities must also be submitted to the department and local health authority, and approval must be obtained from the department.

(b) If layout plans submitted to the department include a combination of general services and limited services campgrounds, then each campground type and location must be clearly designated in the plans.

(c) If the proposal submitted to the department also qualifies as a subdivision, public water supply system, or public sewage system, plans for the water supply system, sewage system, solid waste disposal method and surface drainage control for a campground or trailer court must be prepared and submitted to the department and the local health authority in accordance with the subdivision plan review requirements in ARM Title 17, chapter 36, subchapter 3, and the public water supply requirements in ARM Title 17, chapter 38, subchapter 1, as applicable.

(2) Layout plans must be drawn in detail and to scale, and must show:

- (a) name and address of developer;
- (b) name and address of architect, engineer, or designer;
- (c) legal description of property;
- (d) number and size of all trailer spaces and campsites and detail of each typical trailer

space or campsite;

- (e) water service lateral pipe size, material, and location on layout plan;
- (f) sewer service lateral pipe size, material, gradient, and location on layout plan;
- (g) detail of water and sewer line crossings;
- (h) cross section of water riser indicating pipe size and material;
- (i) cross section of stop-and-waste valve and drain system;
- (j) cross section of sewer riser indicating pipe size, material, and provisions for capping

when not in use;

- (k) location of water and sewer riser on typical trailer space;
- (l) location and detail of each watering station;
- (m) location and detail of each sanitary station;
- (n) location and detail of each solid waste storage area;
- (o) location and detail of service building and any other building;
- (p) information relating to the water supply and distribution system; sewage collection, treatment, and disposal system; surface drainage; and solid waste disposal as required by ARM 17.36.104; and

(q) evidence that the required license application fee assessed under ARM 37.111.211 has been paid. This fee is nonrefundable.

(3) The plans and specifications must also show at least 20 feet of side-by-side separation distance between manufactured homes in trailer courts.

(4) Existing utilities in a proposed campground or trailer court may be used only if it can be shown to the department that the existing utilities meet or exceed current standards. Conversion of a campground or trailer court from one type to another must be approved by the department.

(5) Within 60 days after the receipt of an incomplete plan submittal the department will make any deficiencies known to the applicant.

(6) Within 60 days after the receipt of a complete plan submittal the department must take final action, unless an environmental impact statement is required, at which time this deadline may be increased to 120 days or a later time if agreed to by the applicant.

(7) If, after review of plans and specifications for the proposed campground or trailer court, the department is satisfied that the campground or trailer court meets the requirements of this subchapter, approval will be given authorizing construction of the campground or trailer court for purposes of this subchapter only.

(8) Approval to construct is for a period not to exceed 2 years, after which, if construction has not begun, plans and specifications must again be submitted for re-evaluation under rules in effect at the time of resubmittal. Any period of non-licensure for 2 or more years also requires re-submittal of plans and specifications for review and approval by the department before the campground or trailer court is relicensed.

(9) A campsite or trailer space in a proposed campground or trailer court or proposed addition to an existing campground or trailer court may not be occupied until:

- (a) the department has approved the proposed plans and specifications;
- (b) the applicant demonstrates that all improvements have been made as described in the approved plans;
- (c) an inspection has been made by the local health authority or department to

confirm that fact; and

(d) the local health authority has validated the license application.

(10) Layout plans submitted under this rule are reviewed under authority provided by Title 50, chapter 52, MCA, and this subchapter. Department approval of layout plans under this subchapter does not constitute approval for compliance with building codes, fire codes, or other state, federal, or local requirements (including compliance with the Americans with Disabilities Act, Public Law 101-336).

(11) The department hereby adopts and incorporates by reference the provisions of ARM 17.36.104, setting out information to be included in an application for subdivision approval; ARM Title 17, chapter 36, subchapter 3, setting out subdivision plan review requirements; and Title 17, chapter 38, subchapter 1, which describes plan submittal requirements for public water supply systems and public sewage systems. Copies of ARM 17.36.104; Title 17, chapter 36, subchapter 3, and Title 17, chapter 38, subchapter 1; may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1101, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.206 LAYOUT PLAN: WATER SUPPLY REQUIREMENTS

(1)(a) A person that submits a layout plan under ARM 37.111.205 must obtain department approval of plans and specifications that meet the requirements of this rule. Approval under this subchapter does not remove the need to obtain other approvals that may be required under other state, local, or federal laws (including compliance with the Americans with Disabilities Act, Public Law 101-336).

(b) If an existing public water supply of satisfactory quantity and pressure is available, and the owner of the public water system agrees to provide service, connection must be made to the public water system and its supply used exclusively except for non-potable water uses approved by the department in writing. If a satisfactory existing public water supply is not available, a private or public water supply system for potable water uses must be developed and used as approved by the department.

(c) All general services and limited services campground spaces for tents or dependent trailers must either be directly served by a water supply, within 300 feet of a common water station, or otherwise have a water supply approved by the department under (2) of this rule. A water station consists of at least a water hydrant and the necessary appurtenances, and must be protected against backflow, back siphonage, and hose contamination. A water station must be separately located from the sanitary station to ensure that the water station hose is not used to flush sewage from the sewage holding tank.

(d) If facilities for individual water service connections are provided, the following requirements apply:

(i) A water riser provided for individual water service connections must be located and constructed to minimize potential for damage from parking of trailers. Protection may consist of posts, fences, or other permanent barriers.

(ii) A water riser for a campground must extend at least 24 inches above ground elevation, and a water riser for a manufactured home court must extend at least 4 inches above

ground elevation. Surface water must be directed away from the riser, and the pipe size must be at least 3/4 of an inch.

(iii) Adequate provisions must be made to prevent freezing of service lines, valves and water risers.

(iv) A backflow prevention device must be installed for each water riser in the water service line at or near the outlet.

(v) A stop-and-waste valve and cock must be installed at the base of a water riser at least 6 feet below the ground surface unless otherwise approved by the department in writing.

(vi) There must be at least 10 feet horizontal distance between a sewer line connection and a stop-and-waste valve.

(vii) Valves must be provided for the outlet of each water service connection.

(e) A water service lateral must be constructed as follows:

(i) Pipe used for a water service lateral must be copper, 160 psi-rated plastic approved for potable water supply use under the state plumbing requirements described in ARM 24.301.30(1), or an equivalent approved by the department.

(ii) Inside pipe diameter must be a minimum of 3/4-inch.

(iii) A water service lateral must be laid at least 10 feet horizontally from any existing or proposed sewer line or in a manner allowed under the state plumbing requirements described in ARM 24.301.30(1).

(iv) A water service lateral crossing a sewer line must be laid to provide a minimum vertical distance of 18 inches between the bottom of the water service lateral and the top of the sewer line or in a manner allowed under the state plumbing requirements described in ARM 8.70.302(1).

(2) The department, upon consultation with the local health authority, may allow a deviation from a specific requirement of (1)(c) through (e) above for a general services campground and may allow a deviation from a specific requirement of (1)(b) through (e) above for a limited services campground, including the requirement that a limited services campground must have a potable water supply, upon demonstration by the applicant to the department that the deviation does not have the potential to cause adverse public health effects. To be eligible for a deviation from the requirement that a limited services campground have a potable water supply, the applicant must submit to the department a plan that describes measures which will ensure that:

(a) the public is informed of the absence of a potable water supply at the campground; and

(b) the public is warned that existing water in the area of the campground is not suitable for drinking or other uses that may adversely affect public health.

(3) Upon department approval of plans and specifications, the water supply for the campground or trailer court, as applicable, must be constructed as designed in the plans and specifications.

(4) Upon installation of a water supply system approved under this rule, the system must be tested for pressure and leakage using procedures and requirements set forth in American Water Works Association American National Standard C600-87 (June 14, 1987 Approval).

(5) Extension, alteration, repair, or replacement of a water supply system or development of a new water supply system must meet the requirements of ARM 17.36.301

through 17.36.305 and, if the system is a public water supply system, ARM 16.20.405, 17.38.101 and 17.38.105.

(6) The department hereby adopts and incorporates by reference the provisions of ARM 17.36.301 through 17.36.305, which describe subdivision review requirements for water systems; ARM 16.20.405, 17.38.101 and 17.38.105, stating requirements for public water and sewer plans, cross connections, and drilling of water wells; the state plumbing requirements described in ARM 24.301.301(1), which describes comprehensive requirements for laying of pipes and standards for pipe used to supply potable water; and American Water Works Association American National Standard C600-87 (June 14, 1987 Approval), which describes requirements for installation of water mains. Copies of ARM 17.36.301 through 17.36.305, 16.20.405, 17.38.101, 17.38.105 and 24.301.301(1), and American Water Works Association National Standard C600-87 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1995 MAR p. 634, Eff. 4/28/95; AMD, 1996 MAR p. 161, Eff. 1/12/96; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.207 LAYOUT PLAN: SEWAGE SYSTEM REQUIREMENTS

(1)(a) A person that submits a layout plan under ARM 37.111.205 must obtain department approval of plans and specifications that meet the requirements of this rule. Approval under this subchapter does not remove the need to obtain other approvals that may be required under other state, local, or federal laws (including compliance with the Americans with Disabilities Act, Public Law 101-336). For example, a local board of health may adopt a regulation governing sewage systems under 50-2-116, MCA, that is more stringent than the requirements in this rule.

(b) A limited services campground may use a sealed vault pit privy or alternative system approved by the department for sewage disposal, provided the system does not place sewage in a location likely to cause pollution of state waters, in violation of Title 75, chapter 5, MCA, or pose potential adverse public health effects.

(c) If a public sewage system of adequate capacity is available, and the owner of the public sewage system agrees to provide service, connection must be made to the public sewage system and its services used exclusively. If a public sewage system is not available, a multiple family or public system must be developed and used as approved by the department. The system must be designed and constructed in accordance with ARM 17.36.302, 17.36.304, 17.36.305, 17.38.101, and 17.38.105, whichever is appropriate.

(d) A sanitary station is required in each general services campground that provides trailer space for recreational vehicles, unless the following circumstances exist:

- (i) each trailer space is provided with an individual sewer riser;
- (ii) a sanitary station accepted by the department or local health authority is available for public use on a full-time basis within 15 miles from the campground, and the campground owner or operator has posted a sign at the campground stating the location of the nearest available sanitary station; or
- (iii) the department determines that installation of a sanitary station is not feasible because of lack of electricity, water under pressure, or other sanitary reasons, and the campground is designed for use only by tent campers or by recreational vehicles.

(e) If a sanitary station is required, as determined under (d) above, there must be at least one station for every 100 trailer spaces lacking individual sewer risers.

(f)(i) A sanitary station consists of:

(A) a minimum 4-inch sewer riser connected to the trailer court or campground sewage system;

(B) a concrete apron at the inlet end that is at least 4 feet square and sloped to the drain;

(C) a suitable self-closing hinged cover over the center drain;

(D) a water outlet with approved anti-back siphoning devices connected to the trailer court or campground water supply system to permit periodic washdown of the immediate adjacent area; and

(E) other features that ensure that the requirements of ARM 17.36.302 and 17.36.305, as applicable, are met.

(ii) The sanitary station apron must be in good repair and must prevent sewage from puddling or becoming a nuisance.

(iii) Signs must be placed at all sanitary stations stating the water is unsafe for drinking.

(g) If facilities for individual sewer connections are provided, the following requirements apply:

(i) The sewer riser must have a 4-inch diameter and must be located on the trailer space so that a sewer connection to the trailer drain outlet will approximate a vertical position. The sewer riser must be separated from the water riser by at least 6 feet at finished grade.

(ii) Surface drainage must be diverted away from the riser.

(h) A sewer service lateral must be constructed as follows:

(i) The lateral must be water tight at all points.

(ii) The lateral must be constructed of schedule 40 PVC, schedule 40 ABS, or other pipe approved under the state plumbing requirements described in ARM 24.301.301(1) as a drain, waste, or vent pipe.

(iii) Lateral pipe size must be a minimum of 4 inches in diameter.

(iv) The lateral must be sloped to maintain a 2-foot/second flow velocity (1/8-inch per foot for 4-inch line).

(i) The below-ground sewer connection must have a nominal inside diameter of at least 3 inches and the slope of any portion of the connection must be at least 1/4-inch per foot. The sewer connection must consist of one pipe line only, without any branch fitting. Each joint must be watertight.

(j) All materials used for sewer connections must meet the state plumbing requirements as described in ARM 24.301.301(1). An exception to this requirement is that the "flex hose" may be used for making the sewer connection only in a campground and only when the connection will be made for 30 days or less when restricted to RVs that are located on designated trailer spaces and are not skirted.

(2) The department, upon consultation with the local health authority, may allow a deviation from a specific requirement set forth under (1)(d) through (j) above, upon demonstration by the applicant to the department that the deviation does not have the potential

to cause adverse public health effects or pollution of state waters.

(3) Upon department approval of plans and specifications, the sewage disposal system for the campground or trailer court, as applicable, must be constructed as designed in the plans and specifications.

(4) Upon installation of a sewage disposal system, the system must be tested by filling with water or other equivalent means approved by the department. For a system lateral constructed of schedule 40 PVC or standard weight cast iron pipe, the applicable test, unless approved otherwise by the department, is exposure to a pressure of at least a 10-foot head of water for a minimum of 15 minutes. If the sewage disposal system leaks during the test, the system may not be put into service until the leak is repaired.

(5) Extension, alteration, or replacement of any sewage system must be in accordance with ARM 17.36.301 through 17.36.305 and, if the system is a public sewage system, ARM 17.38.101 and 17.38.105.

(6) The department hereby adopts and incorporates by reference the provisions of ARM 17.36.302 through 17.36.305, setting standards for sewage treatment and disposal systems; ARM 17.38.101 and 17.38.105, setting requirements for public water and sewer plans and cross connections; and ARM 24.301.301(1), which describes state plumbing requirements for sewage systems. Copies of ARM 17.36.302 through 17.36.305, 17.38.101, 17.38.105, and 24.301.301(1) may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, P.O. Box 202951, Helena, MT 59620-2951, or the Department of Environmental Quality, Water Quality Division, P.O. Box 200901, Helena, MT 59620-0901. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.211 LICENSURE (1) It is unlawful for any person to operate a campground or trailer court unless the person holds a current license issued by the department and validated by the local health officer in the name of the person for the specific campground or trailer court.

(2) The applicant shall submit a nonrefundable \$40 license application fee to the department. An applicant shall submit a complete application and fee prior to opening the establishment for use.

(3) The department or the local health authority shall make a pre-licensing inspection after a complete license application and fee have been received. A license will be issued if the campground or trailer court is in compliance with this subchapter and the act. If the establishment is not in compliance with this subchapter and the act, the department shall commence proceedings to deny the license application pursuant to 50-52-207, MCA.

(4) A licensee shall give notice in writing to the department at least 30 days prior to selling, transferring, giving away, or otherwise disposing of interest in or control of any campground or trailer court. The notice must include the name and address of the person succeeding to the ownership or control of the campground or trailer court.

(5) Upon receiving a complete application in writing for issuance or renewal of a license and a fee of \$40, the department shall issue or renew the license if the campground or trailer court is in compliance with all applicable provisions of the act and this subchapter.

(6) The holder of a license for a general services campground, limited services campground, or trailer court must post the license on the property at a location approved by the

department or local health authority.

(7)(a) Except as provided in (b), the licensee or manager of a trailer court or campground may not accept camping units that would exceed the number and types of sites approved under the license for the campground.

(b) A campground may accommodate an overflow of camping units for a period that may not exceed 14 days in a calendar year if the local health authority issues written approval for the overflow prior to its occurrence and the campground licensee or manager has ensured that adequate public health measures, including provision of sewage and solid waste disposal and potable water, are provided for the overflow. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, 50-52-201, 50-52-202 and 50-52-203, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1103, Eff. 5/28/82; AMD, 1982 MAR p. 1484, Eff. 7/30/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.212 INSPECTIONS AND COMPLIANCE REQUIREMENTS

(1) A licensee shall permit representatives of the department or local health authority to inspect the campground or trailer court at reasonable hours for determining compliance with the requirements of the act and this subchapter.

(2) A licensee shall arrange for access to any part of the trailer space or campsite at reasonable times for the purpose of making necessary repairs or alterations to effect compliance with this subchapter or with any lawful order issued pursuant to the provisions of this subchapter.

(3) Within 15 days after each inspection, representatives of the department or the local health authority shall give the operator a copy of an inspection report that notes any deficiencies and sets a time schedule for compliance.

(a) If plans for correction are not required, the department or health authority shall determine an acceptable time schedule for correction.

(b) If plans for correction are required, the licensee shall submit necessary plans that include a proposed time schedule for corrective measures. The time schedule and plans, if approved, shall become conditions of licensure.

(4) Modifications are not required for the water supply system or sewage system serving a campground or trailer court approved and constructed in accordance with a prior regulation, unless upgrading is necessary due to system failure as described in ARM 37.111.215(3) and 37.111.216(4).

(5) Violation of this subchapter or the act may be subject to an action for injunctive relief by the department pursuant to 50-1-103, 50-52-104, or 50-52-106, MCA, or a criminal charge may be brought pursuant to 50-52-105, MCA.

(6) A local board of health may adopt regulations which are more stringent than this subchapter, pursuant to 50-2-116, MCA. (History: Sec. 50-52-102, MCA; IMP, 50-52-102, 50-52-103 and 50-52-301, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1104, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 13 and 14 reserved

37.111.215 WATER SUPPLY: ONGOING REQUIREMENTS

(1)(a) An adequate and potable supply of water must be provided in:

(i) any new or enlarged limited services campground approved by the department on or after April 28, 1995, unless the department grants a deviation for the campground under ARM 37.111.206(2).

(ii) each trailer court; and

(iii) any general services campground.

(b) A supplier of a private or multiple family water supply shall conduct a coliform bacteria test of the system at least once in the spring quarter (April 1-June 30) and once in the summer quarter (July 1-September 30) of each year, and a nitrate test of the system at least once every 3 years.

(c) A supplier of a public water supply must undertake sample analyses for its system according to ARM Title 17, chapter 38, subchapter 2.

(d) An operator or licensee of a trailer court, general services campground, or limited services campground that has a water supply that is not used for human drinking or domestic purposes and is not analyzed under (b) or (c) above, shall post a sign at a conspicuous location near the water supply source stating that the water may be unsafe for human consumption or contact.

(2) An operator of a community public water supply system serving a trailer court must be certified in compliance with Title 37, chapter 42, MCA, and ARM 17.40.201 through 17.40.203.

(3) A water supply system is determined to have failed and to require replacement or repair when the water supply becomes unsafe (exceeds the maximum contaminant levels as specified in ARM 17.38.201 through 17.38.207) or inadequate (less than 20 psi measured at the extremity of the distribution line during peak usage).

(4) Extension, alteration, repair, or replacement of a water supply system, or development of new water supply systems must be in accordance with ARM 17.17.301 through 17.17.305 and, if the system is a public water supply system, ARM 16.20.405, 17.38.101 and 17.38.105.

(5) The department hereby adopts and incorporates by reference the provisions of ARM 17.40.201 through 17.40.203 and 17.40.206 through 17.40.208, which describe operator certification requirements; ARM Title 17, chapter 38, subchapter 2, stating maximum allowable contaminant levels, sampling, and other requirements for public water supplies; and ARM 17.36.301 through 17.36.305, which describe water system review requirements for subdivisions. Copies of the above mentioned rules may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, P.O. Box 202951, Helena, MT 59620-2951, or the Water Quality Division, Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/82; AMD, 1982 MAR p. 1104, Eff.

5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.216 SEWAGE SYSTEM (1)(a) Except for primitive campgrounds, an adequate and safe sewage system must be provided in each campground or trailer court for conveying, treating and disposing of all sewage. In addition, all campground and trailer court operators must take immediate measures to alleviate health and sanitation hazards caused by sewage at the campground or trailer court.

(b) Under this subchapter, a limited services campground may use a sealed vault pit privy or alternative system approved by the department for sewage disposal, provided the system does not place sewage in a location likely to cause pollution of state waters, in violation of Title 75, chapter 5, MCA, or pose potential adverse public health effects. Other regulations, including local ordinances, may preclude use of such systems.

(2) An operator of a public sewage system serving a campground or trailer court must be certified in compliance with Title 37, chapter 42, MCA.

(3) A sewage system has failed and requires replacement or repair if any of the following conditions occur:

(a) The system fails to accept, treat, or dispose of sewage as designed;

(b) Effluent from the sewage system contaminates a potable water supply or state waters; or

(c) The sewage system is subjected to mechanical failure, including electrical outage, or collapse or breakage of a septic tank, lead line, or drainfield line.

(4) Extension, alteration, or replacement of any sewage system must be in accordance with ARM 17.36.301 through 17.36.305 and, if the system is a public sewage system, ARM 17.38.101 and 17.38.105.

(5) Provisions must be made for plugging or capping the sewer riser pipe with a tamper resistant cap when a trailer does not occupy the space. The cap must provide an air tight seal.

(6) Liquid wastes from sinks, showers, toilets, or baths are not allowed to accumulate on the ground surface. Such waste must be discharged into the sewage system serving the trailer court or campground or into an alternate system approved by the department and local health authority.

(7) The department hereby adopts and incorporates by reference the provisions of ARM 17.36.301 through 17.36.305, setting standards for sewage treatment and disposal systems; and 17.38.101 and 17.38.105, setting requirements for public water and sewer plans and cross connections. Copies of the above rules may be obtained from the Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1106, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.217 SOLID WASTE: STORAGE AND DISPOSAL (1) The licensee or manager of a campground or trailer court must ensure that the storage, collection and disposal of solid

waste does not cause health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

(2) The licensee or manager of any campground or trailer court must take immediate measures to alleviate public health or sanitation hazards presented by the presence of solid waste at the campground or trailer court. The licensee or manager must also comply with the following, unless the campground is a primitive campground or a limited services campground that does not provide solid waste storage, collection, or disposal services and meets the requirements of (1):

(a) All solid waste must be stored in flytight, watertight, rodent-proof containers or in other suitable containers with secured lids. The containers must be located not more than 300 feet from any trailer space or campsite. Containers must be provided in sufficient number and capacity to properly store all solid waste between collections.

(b) A solid waste collection stand must be provided for each solid waste container. The stand must be designed to prevent tipping, minimize spillage and container deterioration, and facilitate cleaning. All solid waste containers must be secured in the stand.

(c) All solid waste containing organic material capable of spoilage must be collected at least weekly. If suitable collection service is not available from municipal or private agencies, the owner or operator of the campground or trailer court shall transport the solid waste off-site. All solid waste must be collected and transported in a covered vehicle or covered containers to a solid waste disposal facility licensed by the department. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1109, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.218 NOXIOUS PLANT, ANIMAL, DUST AND OTHER PUBLIC HEALTH CONTROLS (1) The licensee or manager of any campground or trailer court must take immediate measures to alleviate public health or sanitation hazards presented by the presence of solid waste at the campground or trailer court.

(2) The grounds, buildings and structures of a campground or trailer court must be maintained free of harborage for insects, rodents, and other vermin. Extermination methods and other measures to control insects and rodents must conform with the requirements of the local health authority.

(3) Each campground and trailer court, with the exception of a primitive campground, must meet the following standards:

(a) All areas must be maintained free of accumulations of litter, rubbish, debris, burnable materials, or standing water which may provide rodent harborage or breeding places for flies, mosquitoes, rodents, and other pests.

(b) Where potential for rodent infestation exists, storage areas and vegetative growth must be maintained so as to prevent rodent harborage.

(c) Where the potential for insect and rodent infestation exists, any skirting of trailers must be of a type and construction which will not provide harborage. Where trailers are skirted, an access opening must be provided near service connections.

(d) The growth of brush, weeds and grass must be controlled to prevent harborage of noxious insects and other vermin. Vegetation and waste materials creating rodent harborage are not allowed within 100 feet of established structures.

(e) Campgrounds and trailer courts must be maintained to prevent the growth of noxious

weeds considered detrimental to health.

(f) Trailer court roadways must be maintained in a manner that minimizes exposure of residences to continuing dust problems.

(g) All electrical cords used at a campground or trailer court must be in good repair. Driving over cords is prohibited.

(4) The licensee and manager of the campground or trailer court are responsible for ensuring that the requirements of this rule are met. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1109, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rule 19 reserved

37.111.220 MISCELLANEOUS LICENSEE REQUIREMENTS (1) The person to whom a license is issued shall operate the campground or trailer court in compliance with this subchapter and shall provide adequate supervision to maintain the campground or trailer court, its facilities, and equipment in good repair and in a clean and sanitary condition. If a trailer court has a wastewater treatment or water treatment plant that requires an operator certified under Title 37, chapter 42, MCA, the person shall demonstrate to the department that he or she has retained a certified operator for the trailer court.

(2) The licensee of a trailer court shall have a manager on duty to maintain the trailer court and its facilities in accordance with this subchapter and the act. The manager shall have authority to take immediate actions, including actions requiring expenditure of funds, to correct public health problems as they occur. The licensee shall ensure that all trailer court occupants are given an address and telephone number where the manager can be reached at all times. If the manager is not a resident at the trailer court, the manager shall visit the trailer court as often as necessary to ensure that these requirements are met.

(3) Signs must be placed in conspicuous places indicating restrictions placed on the types of trailers permitted in a general services or limited services campground, based on the type and amount of facilities provided.

(4) Each campsite and trailer space in a general services or limited services campground must be clearly marked with an identification number or other symbol.

(5) Addresses or identification numbers must be clearly marked on each mobile home lot in a trailer court.

(6) Every licensee or manager operating a campground shall notify the department or local health authority immediately of any suspected communicable or contagious disease within the campground. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1111, Eff. 5/28/82; AMD, 1982 MAR p. 1484, Eff. 7/30/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 21 through 24 reserved

37.111.225 GUEST REGISTRATION (1) The licensee of a campground, except for a primitive campground or a limited services campground that is not on the same premises as a general service campground, shall maintain a register that must be preserved for at least 6

months, that is available to the department and local health authority, and that records:

- (a) the name and permanent address of each trailer space and campsite occupant;
- (b) the make, model and license number of each trailer and tow vehicle; and
- (c) the date of arrival and departure for each trailer and vehicle and its occupants.

(History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1111, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.226 ANIMALS RUNNING AT LARGE (1) The licensee of a tourist campground or trailer court shall not allow a person in charge of a dog, cat, or other pet animal to permit it to run at large or to commit any nuisance within the limits of any tourist campground or trailer court. Any pet animal must be limited to the area of the tenant's lot, unless the animal is leashed. The tourist campground or trailer court licensee or manager is responsible for the containment of any pet animal and any nuisance caused by a pet animal. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1112, Eff. 5/28/82; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 27 through 29 reserved

37.111.230 SERVICE BUILDINGS AND OTHER SERVICE FACILITIES FOR GENERAL SERVICES CAMPGROUNDS (1) A central service building must be provided for each general services campground that has spaces designated for use by trailers or tents. The central service building must be approved by the building authority and must contain toilets and other plumbing fixtures, as follows:

(a) Toilets are required at each general services campground in the ratios set forth under Table I of this rule. If a service building approved by the department on or after April 28, 1995, provides showers, the showers must have hot water and be provided according to ratios set forth under Table I of this rule.

(b) The service building must be of permanent construction and equipped with lighting, lavatories, toilets, and a janitorial sink. Interior service building surfaces in plumbed areas must be smooth, nonabsorbent, and easily cleanable. Showers, if provided, must have non-slip surfaces and ventilation. All windows, doors, and other openings must be screened or closed.

(c) The service building must be conveniently located within a radius of 300 feet from all trailer spaces or campsites to be served.

(d) For a general services campground that is not operated with a business establishment, urinals and lavatories must be provided in accordance with Table I below.

TABLE I

| No. of Dependent Parking | Toilets | Urinals | Lavatories | Showers |
|--------------------------------|---------|---------|------------|---------|
|--------------------------------|---------|---------|------------|---------|

| <u>Spaces</u> | <u>Men Women</u> | | <u>Men</u> | <u>Men Women</u> | | <u>Men Women</u> | |
|---------------|------------------|---|------------|------------------|---|------------------|---|
| 1 - 15 | 1 | 1 | 1 | 1 | 1 | 2 | 2 |
| 16 - 30 | 1 | 2 | 1 | 2 | 2 | 2 | 2 |
| 31 - 45 | 2 | 2 | 1 | 3 | 3 | 2 | 2 |
| 46 - 60 | 2 | 3 | 2 | 3 | 3 | 3 | 3 |
| 61 - 80 | 3 | 4 | 2 | 4 | 4 | 3 | 3 |
| 81 - 100 | 3 | 4 | 2 | 4 | 4 | 3 | 3 |

(e) The service building, and all equipment in the service building, must be kept clean and in good repair. All showers, toilets, and lavatories must be cleaned with disinfectant products.

(f) The service building must contain a continuous supply of hand cleaner and toilet tissue.

(2) Each cabin, cooking shelter and other building must be maintained as follows:

(a) Each cooking or shelter house for common use must be cleaned after each day's use during the operating season.

(b) Cooking, eating, and drinking utensils, if provided, must be of non-toxic, durable, and easily cleanable materials, in good repair, and washed and sanitized by campground employees after usage by campers.

(c) Any cabin, tent, or other structure provided by the management must be thoroughly cleaned after being occupied.

(i) Each mattress, when provided, must be covered with a washable cover and must be kept in clean and sanitary condition.

(ii) Bedding, when provided, must be clean, sanitary, and in good repair. (History: Sec. 50-52-102, MCA; IMP, 50-52-102, MCA; NEW, 1982 MAR p. 1114, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 31 through 34 reserved

37.111.235 PERFORMANCE REQUIREMENTS FOR LOCAL HEALTH AUTHORITIES (1) For a local board of health to qualify for reimbursement under 50-52-302, MCA, the local health authority shall either:

(a) Enter into a written, signed cooperative agreement with the department that meets the requirements of 50-52-302(1), MCA, and establishes the duties and responsibilities of the local health authority and department; or

(b) Meet each of the following requirements:

(i) Demonstrate by February 1 of each year that at least one person working for the local health authority has been determined by the department to be qualified to make trailer court and campground inspections under Title 50, chapter 52, MCA, and rules promulgated thereunder; and

(ii) Ensure that the local board of health, local health officer, sanitarian-in-training, or registered sanitarian:

(A) Using forms approved by the department, submits quarterly reports to the department within 10 days following the close of each quarter of the fiscal year (first quarter ending September 30; second quarter ending December 31; third quarter ending March 31; fourth quarter ending June 30);

(B) Upon request by the department, conducts an inspection to determine compliance with the requirements of this subchapter;

(C) Performs inspections of each campground and trailer court within its jurisdiction at least once every 12 months, unless waived on a case-by-case basis by the department;

(D) Provides copies of program documentation, including but not limited to inspection reports, plans of correction, and enforcement actions within 7 days after receipt of a written request by the department, and keeps all documentation for a period of 5 years from the date of its creation; and

(E) Demonstrates to the department, on a quarterly basis within 30 days following the close of each quarter of the fiscal year, that it has expended department reimbursements under this rule and 50-52-302, MCA, only for inspections of establishments licensed under Title 50, chapter 52, MCA, or for enforcement of Title 50, chapter 52.

(2) A failure by the local health authority to meet all of these minimum performance requirements shall result in withholding of funds payable to the local board of health under 50-52-302, MCA, for the period of noncompliance, as determined by the department. (History: Sec. 50-52-102 and 50-52-301, MCA; IMP, Sec. 50-52-302, MCA; NEW, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)